

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION  
\_\_\_\_\_

) MDL NO. 1456

) Civil Action No. 01-12257-PBS

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THIS DOCUMENT RELATES TO:  
ALL ACTIONS  
\_\_\_\_\_

) Judge. Patti B. Saris

**MOTION FOR LEAVE TO PERMIT  
SHEILA L. BIRNBAUM TO APPEAR PRO HAC VICE**

Pursuant to Rule 83.5.3(b) of the Local rules of this Court, John T. Montgomery, a counsel of record for defendant Schering-Plough Corporation, hereby moves this Court for leave to permit Sheila L. Birnbaum to appear on its behalf as counsel pro hac vice in the above-captioned action.

In support of this motion, undersigned counsel states the following:

1. The undersigned is a member in good standing of the bar of this Court.
2. Ms. Birnbaum is admitted to practice before the First Appellate Division of the Supreme Court of the State of New York and is a member in good standing of such bar.
3. Ms. Birnbaum is a partner with the law firm of Skadden, Arps, Slate, Meagher & Flom LLP.
4. There are no disciplinary proceedings pending against Ms. Birnbaum as a member of any bar in any jurisdiction.
5. Ms. Birnbaum has indicated in her Certificate attached hereto that she is familiar with the Local Rules of the United States District Court for the District of Massachusetts.
6. Ms. Birnbaum's Certificate In Support of Motion to Permit Counsel To Appear Pro Hac Vice is attached as Exhibit A; a Proposed Order is attached as Exhibit B.

Respectfully submitted,

/s/ John T. Montgomery

John T. Montgomery (BBO#352220)  
Brien T. O'Connor (BBO#546767)  
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Attorneys for Defendants  
Schering-Plough Corporation and  
Warrick Pharmaceuticals Corporation

Dated: February 9, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that on February 9, 2005, I caused a true and correct copy of the foregoing to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456

/s/ Eric P. Christofferson  
Eric P. Christofferson